

APPROVED MINUTES

KITTERY TOWN COUNCIL

September 22, 2014

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Jeffrey Pelletier and Jeffrey Brake.

5. Agenda Amendment and Adoption –

Chairperson Thomson indicated that he wanted to add an item under new business, Item L, to appoint the Town Manager as a voting delegate at the MMA Convention Business Meeting on October 1, 2014.

The agenda was accepted as amended.

6. Town Manager's Report –

Town Manager Puff stated that they had opened bids for the replacement of the roof of the Town Hall. She continued they had received 5 bids and were evaluating them to find the lowest and most qualified bidder.

Town Manager Puff noted there was a meeting relative to the Sarah Long Bridge with the ME DOT and the Planning Board that Thursday at 6.

Town Manager Puff indicated there was a report in Council packet on the speed trailer. She continued that it had been a success and they would be putting it on Haley Road.

Town Manager Puff noted the police chief had concluded the study of the Shapleigh area and it would be presented at the next meeting.

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Town Manager Puff stated that there were 49 parking tickets issued at Seapoint Beach in August. She noted that they were continuing to look in to how to increase enforcement in the area now that the parking officer's hours had been cut.

Town Manager Puff indicated that the CEO's last day was that Thursday and they were looking to find an interim CEO and would update Council as soon as possible.

Town Manager Puff stated she would be attending the MMA conference on October 1st and would be on vacation from October 6 -11.

Town Manager Puff indicated that she had received some complaints regarding the property maintenance ordinance and the CEO was involved and investigating.

7. Acceptance of Previous Minutes

The minutes of 8/25/14 & 9/8/14 were accepted as amended.

8. Interviews for the Board of Appeals – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials –

a. The Kittery Town Council moves to hear a presentation from Fire Chief David O'Brien on the Inclement Weather Special Needs Request Program.

Chief O'Brien came to the podium and stated he had created a form, which had been requested by residents, to be able to build a database of people in town that may need help during inclement weather. He continued that the form was available on the fire department website.

b. The Kittery Town Council moves to hear a report from David Gooch, on behalf of the Anniversary Steering Committee, celebrating the 300th anniversary of the First Congregational Church of Kittery at Kittery Point.

David Gooch came to the podium and indicated he would be having the church historian, John, give the presentation. John gave a brief historical overview on the church and invited the town manager and Council to celebrate the 300th anniversary of the church on November 2nd.

10. PUBLIC HEARINGS -

a. (090314-1) The Kittery Town Council moves to hold a public hearing on amendments to Title 2, Administration and Personnel, Chapter 2.3 Personnel Systems Generally, of the Kittery Town Code.

Town Manager Puff indicated that this amendment would recognize the role of the HR Manager and that it would place some of the work on her that would have previously been in the

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hands of the Personnel Board. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR WHITE MOVED TO ORDAIN THE AMENDMENTS TO TITLE 2, ADMINISTRATION AND PERSONNEL, CHAPTER 2.3 PERSONNEL SYSTEMS GENERALLY, OF THE KITTERY TOWN CODE AS PRESENTED, SECONDED BY CHAIRPERSON THOMSON.

Councilor Dennett and Councilor Denault expressed their concerns with the proposed amendments.

COUNCILOR DENAULT MOVED TO POSTPONE THIS ITEM UNTIL OCTOBER 15, 2014, SECONDED BY COUNCILOR DENNETT.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person) –

Milton Hall came to the podium and stated that the government had paid to replace the road to Seapoint Beach and questioned whether the town had the authority to restrict parking.

- b. Chairperson's response to public –

Chairperson Thomson responded that he assumed that appropriate research had been done relative to that issue.

12. UNFINISHED BUSINESS –

a. (080314-7) The Kittery Town Council moves to give approval for the Charity Defense Council to use Memorial Field on Thursday, June 25th (8:00 A.M. – 5 P.M.) and Friday, the 26th (5:15 A.M. – 12:00 P.M.) 2015, for the Charity Defense March. In addition, they are requesting that any fees be waived for such use.

Michelle Harper came to the podium and indicated that she had provided the additional information Council had requested on this matter.

Councilor Denault expressed his concerns with the issue.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENAULT, COUNCILOR BRAKE AND COUNCILOR DENNETT OPPOSED. MOTION DOES NOT CARRY 3/3.

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b. (080214-4) the Kittery Town Council moves to appoint a representative to meet with the Chair of the Port Authority to interview Barry Bush for his re-appointment to that board until 8/31/19.

Chairperson Thomson stated that Mr. Bush had withdrawn his nomination and no action needed to be taken.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition - none

b. (090314-2) The Kittery Town Council moves to approve the disbursement warrants.

COUNCILOR PELLETIER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR BRAKE WITH ALL IN FAVOR. MOTION PASSES 6/0.

c. (090314-3) The Kittery Town Council moves to approve a renewal application from Rolling in the Mud LLC, 460 US Route 1, Kittery for a Malt, Spirituous and Vinous Liquor License for When Pigs Fly Pizzeria, 460 US Route One.

COUNCILOR PELLETIER MOVED TO APPROVE A RENEWAL APPLICATION FROM ROLLING IN THE MUD LLC, 460 US ROUTE 1, KITTERY FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR WHEN PIGS FLY PIZZERIA, 460 US ROUTE ONE, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

d. (090314-4) The Kittery Town Council moves to approve a request from the Kittery Point Fire Association to hang a banner across Rogers Road in front of the Kittery Community Center, as well as place three 4'x2' signs (at the traffic circle, the end of Haley Road on Route 1, the corner of Bridge Street, and the Route 1 bypass) from October 18th through the 26th, 2014, advertising their Ham and Bean Supper fundraiser.

COUNCILOR WHITE MOVED TO APPROVE THE REQUEST FROM THE KITTERY POINT FIRE ASSOCIATION TO HANG A BANNER ACROSS ROGERS ROAD IN FRONT OF THE KITTERY COMMUNITY CENTER, AS WELL AS PLACE THREE 4'X2' SIGNS FROM OCTOBER 18TH THROUGH THE 26TH, 2014, ADVERTISING THEIR HAM AND BEAN SUPPER, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

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e. (090314-5) The Kittery Town Council moves to approve a request from the Traip Athletic Boosters Craft Fair Committee, to hang a banner across Rogers Road, in front of the Community Center, from November 1st through November 16th, 2014, as well as place signs in various locations around town (similar to the Community Market), advertising their Craft Fair fundraiser on November 15th.

COUNCILOR PELLETIER MOVED TO APPROVE THE REQUEST FROM THE TRAIPT ATHLETIC BOOSTERS CRAFT FAIR COMMITTEE, TO HANG A BANNER ACROSS ROGERS ROAD, IN FRONT OF THE COMMUNITY CENTER, FROM NOVEMBER 1ST THROUGH NOVEMBER 16TH, 2014, AS WELL AS PLACE SIGNS IN THE VARIOUS LOCATIONS AROUND TOWN ADVERTISING THEIR CRAFT FAIR FUNDRAISER ON NOVEMBER 15TH, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

f. (090314-6) The Kittery Town Council moves to accept the resignation of Daniel Arbo from the Kittery Port Authority, effective September 11, 2014.

COUNCILOR PELLETIER MOVED TO ACCEPT THE RESIGNATION OF DANIEL ARBO FROM THE KITTEY POINT AUTHORITY, EFFECTIVE SEPTEMBER 11, 2014, SECONDED BY COUNCILOR DENAULT.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

g. (090314-7) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Port Authority to interview Kenneth Lemont for his appointment to that board until 8/31/18 (filling the unexpired term of Daniel Arbo).

COUNCILOR DENNETT MOVED TO APPOINT COUNCILOR BRAKE TO MEET WITH THE CHAIR OF THE PORT AUTHORITY TO INTERVIEW KENNETH LEMONT FOR HIS APPOINTMENT TO THAT BOARD UNTIL 8/31/18, SECONDED BY COUNCILOR DENAULT.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

h. (090314-8) The Kittery Town Council moves to schedule a public hearing, pursuant to Sec. 6.09.1 of the Town Charter for a supplemental appropriation in the amount of \$12,500 for the purpose of matching private donations to fund the preparation of a master plan for the town's athletic fields.

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CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING ON OCTOBER 15TH, PURSUANT TO SEC. 6.09.1 OF THE TOWN CHARTER FOR A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$12,500 FOR THE PURPOSED OF MATCHING PRIVATE DONATIONS TO FUND THE PREPARATION OF A MASTER PLAN FOR THE TOWN'S ATHLETIC FIELDS, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

i. (090314-9) The Kittery Town Council moves to appoint Joyce Tobey as Warden and Sandra Lutts as Deputy Warden for the November 4, 2014, General and Municipal election and the opening of the polls at 8:00 A.M. and closing at 8:00 P.M. as recommended by the Town Clerk.

COUNCILOR PELLETIER MOVED TO APPOINT JOYCE TOBEY AS WARDEN AND SANDRA LUTTS AS DEPUTY WARDEN FOR THE NOVEMBER 4, 2014, GENERAL AND MUNICIPAL ELECTION AND THE OPENING OF THE POLLS AT 8:00 A.M. AND CLOSING AT 8:00 P.M. AS RECOMMENDED BY THE TOWN CLERK, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR. MOTION PASSES 6/0.

j. (090314-10) The Kittery Town Council moves to sign the Municipal Warrant for the November 4, 2014 election.

COUNCILOR DENNETT MOVED TO SIGN THE MUNICIPAL WARRANT FOR THE NOVEMBER 4, 2014 ELECTION, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR. MOTION PASSES 6/0.

k. (090314-11) The Kittery Town Council moves to appoint Maryann Place as Acting Town Manager from October 6-11, 2014, during the Town Manager's absence.

COUNCILOR WHITE MOVED TO APPOINT MARYANN PLACE AS ACTING TOWN MANAGER FROM OCTOBER 6-11, 2014, DURING THE TOWN MANAGER'S ABSENCE, SECONDED BY COUNCILOR BRAKE WITH ALL IN FAVOR. MOTION PASSES 6/0.

l. The Kittery Town Council moves to appoint Town Manager Puff as a voting delegate at the MMA Convention Business Meeting on October 1st.

COUNCILOR BRAKE MOVED TO APPOINT TOWN MANAGER PUFF AS A VOTING DELEGATE AT THE MMA CONVENTION BUSINESS MEETING ON

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**OCTOBER 1ST, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR.
MOTION PASSES 6/0.**

14. COUNCILOR ISSUE OR COMMENT

Councilor White asked that Council receive a status report relative to the town planner's resignation.

Councilor Pelletier asked if the prohibition of signs in the traffic circle was by ordinance or just a suggestion. Chairperson Thomson stated that it was his opinion that it was not appropriate to have political signs in the circle. Councilor Pelletier indicated that he agreed but thought that the signs might be protected by state law. Councilor Denault asked that the address this issue as soon as possible.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson –

Chairperson Thomson indicated that Council had set the mil rate at \$15.52 per thousand which was an increase of 1.97%.

Chairperson Thomson stated that Wednesday at 6:00 P.M. they would be holding a J1 meeting with state department workers.

Chairperson Thomson indicated that the next Foreside Forum would be held at the KCC on September 29th.

b. Committee Reports –

Councilor Denault stated that the EDC would be meeting soon.

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

**COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY
COUNCILOR WHITE WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:47 P.M.**